

REQUEST FOR COUNCIL ACTION

MEETING
08-18-03

277

AGENDA SECTION: PUBLIC HEARING	ORIGINATING DEPT: PLANNING	ITEM NO. E-11
ITEM DESCRIPTION: Final Plat #02-59 by BCD Enterprises, LLC, to be known as Barony Woods. The applicant is proposing to subdivide approximately 39.22 acres of land into 30 lots for single family development and four Outlots. The plat also proposes to dedicate right-of-way for public roads. The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The property is located east of the Greystone Development and allows for the continuation of Wicklow Lane SW and is west of Southtown Heights Drive SW.		PREPARED BY: Theresa Fogarty, Planner

August 14, 2003

Staff Recommendation:

Staff would recommend approval subject to the following conditions:

- The Final Plat shall be revised as follows, prior to recording:*
 - Change the roadway "Hailey Lane SW" to "Frankel Lane SW".*
 - Change the roadway "Thaddeus Lane SW" to "Thaddeus Road SW".*
- Parkland dedication requirements shall be met via: Cash in lieu of land as outlined in the memorandum from Rochester Park & Recreation Department, dated August 5, 2003.*
- The recording of Deed Restrictions for the maintenance of the ten infiltration trenches is required over Lots 9-10, Block 3, Lots 3 & 4, Block 4 and Lots 1-2, Block 5. The Homeowners Association Bylaws shall contain language requiring the assessment of a maintenance fee for the rock check BMP's and to repair ravine erosion downstream of the rock checks. It is suggested that the fee be based on a set percentage of Outlot A's valuation, generating a minimum of \$1,500 per year. The Bylaws shall also contain language requiring the minimum maintenance requirements being annual breaking of any hardpan or sediment buildup on the upstream side of each rock check, annual inspection of the rock check for moved or missing rocks, annual inspection of the downstream ravines. The association shall designate the person to perform these inspections and shall prepare a written report summarizing their observations. A copy of the written report shall be sent to the City of Rochester Public Works and the DNR Department of Waters, local Rochester office."*
- A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 6, 2003 memorandum from Rochester-Olmsted Planning Department - GIS Division.*
- Construction of a temporary turn-around and dedication of an applicable temporary easement is required for the dead end at the northerly extent of "Thaddeus Road SW".*
- The island located on Wickow Lane SW shall be provided 20 feet of driving surface on both sides of the island. No parking shall be allowed along the frontages of Lots 4-10, Block 3 and Lots 3 & 4, Block 4.*
- As indicated on the GDP, the proposed trail system through Outlots A & B, shall be privately constructed and maintained.*
- Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the grading plans shall be returned to the designers for reevaluation.*

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

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9. *That as part of the zoning certificate for each house on Lots 9 & 10, Block3, Lots 3 & 4, Block 4 and Lots 1 & 2 Block 5 the infiltration trench shall be shown on the site plan and the engineer hired by the developer/builder/homeowner shall submit certification that the trench is built to specifications and design accepted by the Public Works Department.*

Council Action Needed:

1. *If the Council wishes to proceed, it should instruct the City Attorney to prepare a resolution with findings supporting their decision.*
2. *The Council should include a motion to adopt finding to support either approval or denial of the proposed Substantial Land Alteration Activity.*

Attachments:

1. Staff Report, dated August 14, 2003.

Note To Council

A letter from the owner of some adjoining property has raised some questions concerning the language in the development agreement for Barony Woods relating to a Transportation Improvement District in this area. The developers of Barony Woods had previously agreed to and executed a development agreement that did not include a potential revision that is under consideration that would increase their TID charges. The Council is aware that typically we require development agreements to be executed prior to submitting a final plat for Council action. While that did occur in this instance, there are now some questions whether the TID language in the agreement executed by the developer, but not yet approved by the Council, should be revised. Under the reports section of the agenda there is an RCA for approval of the development agreement with an additional clause to require payment of increased TID charges. Both the hearing on the final plat and the development agreement need to be discussed jointly. If the developer is not willing to execute the development agreement with the revision relating to the TID charges or unless the Council is in agreement with the development agreement language without the revised TID requirement, then both the Final Plat and the Development Agreement should be continued to the next meeting.

J. N.

DORSEY & WHITNEY LLP

Council
Mayor
Plw
J. Adkins
Steve K
Planning
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MINNEAPOLIS, MINNESOTA 55402-1498
TELEPHONE: (612) 340-2600
FAX: (612) 340-2868
www.dorseylaw.com

JAY R. LINDGREN
Partner
(612) 492-6875
FAX (612) 340-8800
lindgren.jay@dorsey.com

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August 11, 2003

VIA FACSIMILE/U.S. MAIL

Honorable Mayor and Common Council
c/o Judy Scherr, City Clerk
City of Rochester
201 4th Street SE
Rochester, MN 55904-3760

RECEIVED
CITY OF ROCHESTER OFFICE
03 AUG 12 AM 11:09
ROCHESTER, MINN.

RE: Southwest Transportation Improvement District (TID#2 / J9846)

Dear Mayor and Council Members:

This firm represents the owner of certain undeveloped land that adjoins the proposed development identified as Barony Woods. We understand that the City Council will consider on August 18 whether to approve the final plat and corresponding development agreement for Barony Woods. Your staff has presented us with information concerning the proposed transportation improvement district for Barony Woods, as referenced above ("TID#2").

We have no opposition to the Barony Woods project and support the City's creation of transportation improvement districts as an equitable manner in which to create traffic improvements that benefit Rochester. We also believe, however, that the proposed Barony Woods TID#2 language may serve to limit the City's options for creating viable transportation alternatives within the area. The proposed language recognizes that "other roadways" which serve the proposed development may also require capacity improvements at some point in time. This language appropriately recognizes that Barony Woods requires additional road improvements. It does not, however, allow for the costs of those improvements to be shared with another developer. The inability to include other properties may create inequities for the City, the Barony Woods developer and other developers who may wish to develop adjoining parcels.

We understand that the proposed development agreement includes language substantially similar to the following:

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August 11, 2003

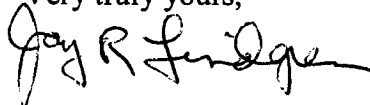
Page 2

Transportation Improvement District (TID). Owner acknowledges that the City Council has endorsed the creation of a Transportation Improvement District, currently referred to as the Southwest Transportation Improvement District (TID#2 / J9846), to address cost sharing for street reconstruction/construction and capacity improvements to 18th Ave SW *and other roadways* which serve the Property and surrounding developing areas of the City. Owner shall pay the adopted J 9846 TID charges for the Property within 30 days of invoicing after final plat approval for the Property. If the TID charges have not been adopted by the City Council prior to the approval of the final plat, the charges shall be based on a current estimate of the costs for the projects needed in the area and prorated across the benefiting Property at a rate of \$2007.14 (rate for 8/1/02 through 7/31/03) per gross acre for low density residential development.

This language recognizes that cost sharing must be addressed for all access points to the development. It does not, however, create a method for funding other required roads. Secondary access roads will be required by City Ordinance as development reaches certain milestones. The method for funding those roads should also be addressed in TID#2. If not, the City runs the risk of defeating the purpose of transportation improvement districts by forcing a future developer to pay an inequitable portion of the costs of a prior development's secondary access. This is contrary to the legal principles that govern the City's interest in establishing transportation improvement districts (copy attached).

It is in the City's best interests to consider what roadways may need to be improved in order to provide secondary access. By doing this, the City can truly achieve its goal of creating an equitable funding mechanism. We recommend, therefore, that additional review of the "other roadways" which serve the Barony Woods property, and that may benefit other developments in the TID#2 area, occur prior to final approval of the Barony Woods development agreement.

Very truly yours,



Jay R. Lindgren

Attachment

cc: Richard Freese
Phil Wheeler
Richard Hefti, Barony Woods

TRANSPORTATION IMPROVEMENT DISTRICT

PURPOSE

- ◆ A financing strategy for funding specific road improvement project(s) that benefit a clearly defined geographical area involving multiple land ownerships. Funds for the project are collected from the benefiting properties.

LEGAL PRINCIPLES

- 1) The development area generates the need for the improvement and will benefit from the project ("Rational Nexus" or "Reasonably Attributable" test)
- 2) The costs are allocated in equitable manner ("Fair Share" or "Rough Proportionality" test)
- 3) The project has a rational relationship to public purpose ("Demonstrated Need" test)
- 4) The cost is not so onerous as to prevent economic development of property (Does not create a "Taking")

AUTHORITY

- 1) Authority is derived from the general regulatory authority of a town to address public health, safety, and general welfare and to provide for the orderly and safe development of land, as provided for in MN Statute Chapter 462.358 Subd. (1a) & (2a).
- ◆ *Approach goes by different names in other communities or states, including Roadway Development Fee, System Development Charges, Capital Cost Recovery, Recoupment fee.*
 - ◆ *Different than special assessments which are usually utilized in developed areas for reconstruction or incremental improvement of existing facilities.*
 - ◆ *Somewhat different than impact fees which are fees collected from development throughout the jurisdiction for upgrading or addressing more significant infrastructure problems (such as new arterial lanes, schools, parks) on a standard rate basis (ie, flat rate per lot city-wide).*
 - ◆ *TID's are dedicated to financing of improvements that specifically benefit the development*

ORGANIZATION / PROCEDURES

- 1) Funds collected in a TID are dedicated for specific identified projects
- 2) A fund account is set up so that dollars are segregated from general accounts
- 3) Jurisdiction typically adopts Findings to support establishment of TID
- 4) Findings for a specific TID typically address the following items:
 - ◆ Identification of Service Area
 - ◆ Define the purpose/project for which Funds are being collected
 - ◆ Estimation of project costs completed
 - ◆ Schedule for the Apportionment of Costs established
 - ◆ Project Account Established
 - ◆ (Special Conditions) Conditions on refunds and any exemptions or credits?

SOME TYPICAL ISSUES

- 1) Utilization of funds in a reasonable time period
 - ◆ Problem of "indivisibility of improvements"
 - ◆ Bonding or other means to implement action need to be considered? This leads to including debt service costs to the jurisdiction as part of equation
- 2) Establish an inflation escalator so that later developments contribute equivalent value
- 3) The issue that existing residents do not contribute
 - ◆ Note that existing residents, however, may have funded the existing improvements which new residents now will benefit from

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BARONY WOODS

DT AREAS
SQ. FT. +/-

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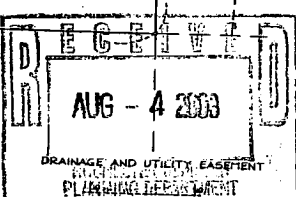
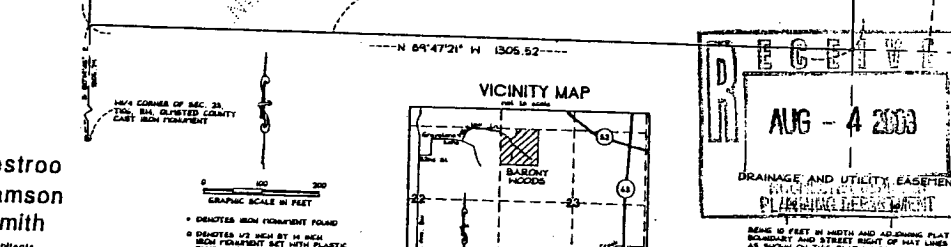
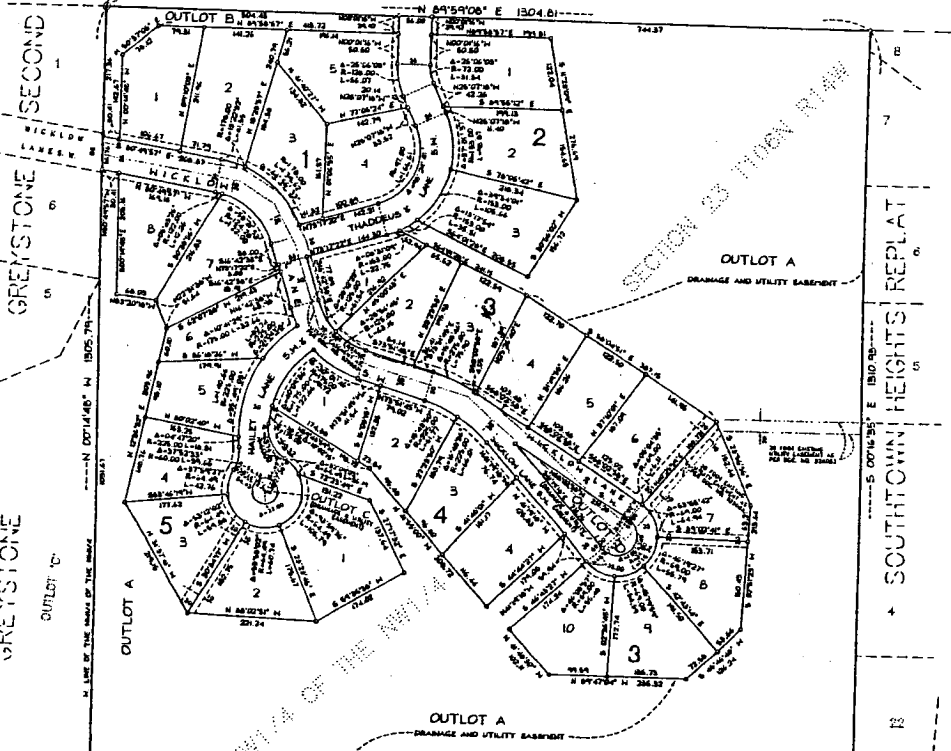
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KNOW ALL MEN BY THESE PRESENTS, That BCD Enterprises, LLC, a Minnesota limited liability company, for and on behalf of the following described property situated in the City of Rochester, Olmsted County, Minnesota, to wit:

The Northwest Quarter of the Northwest Quarter of Section 23, Township 108 North, Range 14 East, Olmsted County, Minnesota:

Have caused the same to be surveyed and plotted as BARONY WOODS, and do hereby dedicate to the public for public use forever the thoroughfare and also dedicate the easements as shown on this plan for drainage and utility purposes only.

In witness whereof said BCD Enterprises, LLC, a Minnesota limited liability company, the donor, has caused these presents to be signed by its proper officer this _____ day of _____, 20____.

President _____

STATE OF MINNESOTA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, President, of the BCD Enterprises, LLC, a Minnesota limited liability company, on behalf of the trust.

Notary Public, _____ County, Minnesota
My Commission Expires _____

SURVEYOR'S CERTIFICATE
I hereby certify that I have surveyed and plotted the property described on this plan as BARONY WOODS, and that this plan is a correct representation of the survey, and that all easements are correctly shown on the plan in full and accordance with the facts, and that all monuments have been correctly placed in the ground as shown, and that no lot lines are defined in Minnesota Statutes, Section 50A.02, Subsection 1 or public highways to be designated other than as shown.

Signed: P. Williamson, Professional Land Surveyor
Minnesota License Number 10018

STATE OF MINNESOTA
COUNTY OF OLMSTED

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, Land Surveyor, Minnesota License Number 10018.

Notary Public, Olmsted County, Minnesota
My Commission Expires 31 January 2005

CITY OF ROCHESTER PLANNING COMMISSION
The plan of BARONY WOODS was approved by the Planning Commission of the City of Rochester, Minnesota at a meeting held on the _____ day of _____, 20____.

Planning Director
ROCHESTER CITY COUNCIL
Be it hereby certified that on the _____ day of _____, 20____, the City Council of Rochester, Minnesota approved this plan of BARONY WOODS.

Signed: _____ Clerk

OLMSTED COUNTY SURVEYOR
I hereby certify that this plan of BARONY WOODS has been checked and recommended for approval this _____ day of _____, 20____.

Dated County Surveyor _____

OLMSTED COUNTY AUDITOR-TREASURER
FISCAL MANAGER
TAX STATEMENT

I hereby certify that the taxes on the land described herein are paid for the year 20____, and all years prior to the year 20____, and transfer entered. Dated this _____ day of _____, 20____.

Dated County Auditor-Treasurer _____ Deputy Auditor-Treasurer _____

OLMSTED COUNTY RECORDER
I hereby certify that this plan of BARONY WOODS was filed this _____ day of _____, 20____, at _____ o'clock _____ M. and was duly recorded in Plat Book _____ No. _____ Document No. _____

Dated County Recorder _____ Deputy _____

BEARING ORIENTATION
THE ORIENTATION OF THIS PLAN IS BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 108 NORTH, RANGE 14 EAST, OLMSTED COUNTY, MINNESOTA, AND IS ASSUMED TO BEAR NORTH 00°14'40" W.

**Bonestroo
Williamson
Kotsmith**
Engineers - Architects
Surveyors

BAMBER WOODS

BARLOW PROPERTY

BARONY WOODS

GENERAL DEVELOPMENT PLAN

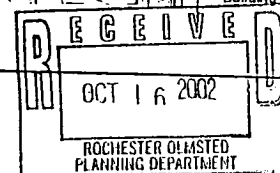
LYNNWOOD DEVELOPMENT

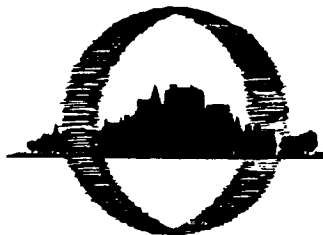


Land Surveying
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Marine Engineering
Astronomy
Physics
Chemistry
Mathematics
Statistics
Computer Science
Information Systems



12.9.02
APPROVED
with 6 conditions





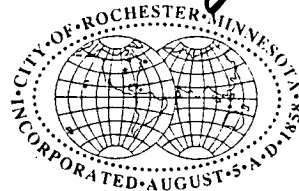
ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted

www.olmstedcounty.com/planning



TO: Rochester Common Council

FROM: Theresa Fogarty, Planner

DATE: August 14, 2003

RE: Final Plat #02-59 by BCD Enterprises, LLC, to be known as Barony Woods. The applicant is proposing to subdivide approximately 39.22 acres of land into 30 lots for single family development and four Outlots. The plat also proposes to dedicate right-of-way for public roads. The applicant is also requesting approval for a Substantial Land Alteration to permit changing grades by 10 feet or more on the property. The property is located east of the Greystone Development and allows for the continuation of Wicklow Lane SW and is west of Southtown Heights Drive SW.

Planning Department Review:

Applicant/Owner:

BCD Enterprises, LLC
Jeff Drown
600 25th Avenue S, Suite 111
St. Cloud, MN 56301

Surveyors/Engineers:

Bonestroo Rosene Anderlik & Associates
Attn: Richard Hefti
112 NE 7th Street
Rochester, MN 55906

Referral Comments:

Park and Rec. Department
Rochester Public Works Department
Planning Department – GIS/Addressing Staff
Rochester Fire Department
Wetlands LGU
Olmsted County Environmental Services
MN Department of Natural Resources

Report Attachments:

1. Referral Comments (7 letters)
2. Location Map
3. Copy of Final Plat
4. General Development Plan
5. Memo from Bonestroo Rosene Anderlik & Associates, dated August 1, 2003.
6. Copy of Substantial Land Alternation Map
7. Fen Management Plan – Barony Woods Addition



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Development Review:

Location of Property:

The property is located east of the Greystone Development and west of Southtown Heights Drive SW.

Zoning:

The property is currently zoned R-1 (Mixed Single Family) on the City of Rochester zoning map.

Proposed Development:

This development consists of 39.22 acres to be subdivided into 30 lots for single family development and four Outlots.

Roadways:

This plat proposes to dedicate right-of-way for three new public roadways.

The first roadway to be known as "Hailey Lane SW", is designed with a 50' right-of-way and ends in a cul-de-sac with a 62' radius. The use of the name Hailey is too similar to Baily, which could cause confusion with emergency response. Staff is suggesting the roadway name be changed. The applicant is proposing "Frankel Lane SW". GIS staff is in agreement with this change.

The second roadway to be known as "Thaddeus Lane SW" is designed with a 50' right-of-way. The roadway type illustrated as "Thaddeus Lane SW" should be changed to "Thaddeus Road SW". Construction of a temporary turn-around and dedication of an applicable temporary easement is required for the dead end at the northerly extent of Thaddeus Lane SW.

The third roadway is a continuation from Greystone Subdivision known as "Wicklow Lane SW", and is designed with a 50' right-of-way. The island located on Wickow Lane SW shall be provided 20 feet of driving surface on both sides of the island. No parking shall be allowed along the frontages of Lots 4 -10, Block 3 and Lots 3 & 4, Block 4.

Pedestrian Facilities:

A Development Agreement for this property has been executed, as well, as an Ownership & Maintenance Agreement for the proposed private Outlots.

As indicated on the GDP, the proposed trail system through Outlots A & B, shall be privately constructed and maintained.

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Drainage:

The area for this proposed development is relatively flat with an elevation of 1100'.

The Grading Plan for this property has been completed, except the need for a Substantial Land Alteration. Upon action of the City Council, the grading plan review process will be completed. If the Council approves the SLA the approved plan will be forwarded. If the Council denies the SLA the plan will be returned to the designers for reevaluation.

The development has the potential to impact a calcareous fen. The recording of Deed Restrictions for the maintenance of the fen infiltration trenches is required over Lots 9-10, Block 3, Lots 3 & 4, Block 4 and Lots 1-2, Block 5. The DNR is requesting the following language shall be included in the Deed Restrictions assuring implementation of the protection plan by the future homeowners "The homeowners association by laws shall contain language requiring the assessment of a maintenance fee for the rock check BMP's and to repair ravine erosion downstream of the rock checks. We suggest the fee be based on a set percentage of Outlot A's valuation, that should account for inflation. We recommend whatever percentage is chosen generate a minimum of \$1,500 per year. The bylaws shall also contain language requiring the minimum maintenance requirements being annual breaking of any hardpan or sediment buildup on the upstream side of each rock check, annual inspection of the rock check for moved or missing rocks, annual inspection of the downstream ravines. Whomever the association designates to perform these inspections shall prepare a written report summarizing their observations and / or corrective action taken. A copy of the written report shall be sent to the City of Rochester Public Works and the DNR Department of Waters, local Rochester office."

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. A calcareous fen exists downgradient from this development. The MN DNR has reviewed the stormwater management plan. There will be specific stormwater plan elements that affect this property and will need to be incorporated into the grading plan.

Public Utilities:

The final utility plans have been approved.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 36 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land.

General Development Plan:

This property is included in the Barony General Development Plan, approved December 9, 2002.

Preliminary Plat Staff Review and Recommendation:

1. *The Plat shall be revised:*

- *Changing the "Thaddeus Lane SW" roadway type to "Thaddeus Road SW".*
2. *The GDP shows potential wetlands. Hydric soils may exist on the southwest edge of the property in the proposed outlot. The MN Department of Natural Resources (DNR) states that a wetland on the land to the south of this property may be Calcareous Fen and that a Fen Management Plan would be required. A Fen Management Plan would include this property as it is upstream of the fen both for surface and subsurface flows. The applicant shall contact the DNR concerning the Fen and development of this property. The applicant shall submit to the City for review and approval a Delineation Plan for wetlands on the property, prior to submittal of the Final Plat.*
 3. *Construction of a temporary turn-around and dedication of an applicable temporary easement is required for the dead end at the northerly extent of "Thaddeus Lane SW".*
 4. *No parking shall be allowed, at any time, along "Wicklow Lane SW" along the frontages of Lots 4 – 10, Block 3 and Lots 3 & 4, Block 4 and must be posted "No Parking".*
 5. *A Grading and Drainage Plan approval is required prior to Final Plat submittal. The GDP indicates permanent storm water from this development will be treated by on-site sedimentation basin(s) prior to leaving the plat limits, and that a proposed regional facility on the south 80 acres will address any increase in storm run-off.*
1. *The alignment for "Wicklow Lane SW" shall be revised slightly to follow the previously determined alignment used for the water main that installed two months ago. The water main must be kept within the street pavement area per requirements of the City of Rochester Public Utility – Water Department.*
 2. *The applicant shall provide pedestrian facilities, at the applicant expense, along both sides of all public roads within this development, with the exception of the inside radius of Wicklow Lane SW, abutting Outlot 'D'.*
 3. *Dedication of parkland shall be met via: Cash in lieu of land, as stated in the Memorandum from Rochester Park and Recreation Department, dated November 1, 2002, with payment due prior to recordation of the final plat.*

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, 2.a.1 of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a final plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

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This development includes a proposal to change the grade in excess of a 10 foot vertical fill from the pre-existing grades. The area where the grade is proposed to be changed is located within Lot 9, Block 3, Lots 1-3, Block 5.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:

62.1105

- 1) The activity should not result in danger to life or property. Generally, the area to be filled will be regarded to be suitable for residential uses. The grading and drainage plans will need to comply with City standards and be approved by the Rochester Public Works Department.
- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All fill material will be provided on-site, therefore it will not be necessary to haul fill to the site. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All fill material will be used on the site. It will not be necessary to truck in fill to the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. There will not be any steep slopes or exposed rock faces. The natural topography of the area is being re-graded to provide adequate slopes for single family dwellings.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the land use plan.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed within one phase.
- 8) The grading will be completed within one phase. There are homes in the immediate area that will be visually affected by the grading activity for only a short time during the grading process. Noise and dust control will need to comply with City standards.
- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.
- 11) The areas of grading do not contain sinkholes or wetlands and should not effect the ground water or surface quality once restoration and stabilization is completed.

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- 12) The grading work is expected to be completed within one phase. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.
- 15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Final Plat Staff Review and Recommendation:

The Planning staff has reviewed this final plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual. The staff recommends approval of this final plat, as submitted, with the following conditions / modifications:

1. ***The Final Plat shall be revised as follows, prior to recording:***
 - a. ***Change the roadway "Hailey Lane SW" to "Frankel Lane SW".***
 - b. ***Change the roadway "Thaddeus Lane SW" to "Thaddeus Road SW".***
2. ***Parkland dedication requirements shall be met via: Cash in lieu of land as outlined in the memorandum from Rochester Park & Recreation Department, dated August 5, 2003.***

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3. *The recording of Deed Restrictions for the maintenance of the ten infiltration trenches is required over Lots 9-10, Block 3, Lots 3 & 4, Block 4 and Lots 1-2, Block 4. The Homeowners Association Bylaws shall contain language requiring the assessment of a maintenance fee for the rock check BMP's and to repair ravine erosion downstream of the rock checks. It is suggested that the fee be based on a set percentage of Outlot A's valuation, generating a minimum of \$1,500 per year. The Bylaws shall also contain language requiring the minimum maintenance requirements being annual breaking of any hardpan or sediment buildup on the upstream side of each rock check, annual inspection of the rock check for moved or missing rocks, annual inspection of the downstream ravines. The association shall designate the person to perform these inspections and shall prepare a written report summarizing their observations. A copy of the written report shall be sent to the City of Rochester Public Works and the DNR Department of Waters, local Rochester office."*
4. *A GIS Impact Fee and E911 Addressing Fee shall be assessed and must be paid prior to recording the final plat, per the August 6, 2003 memorandum from Rochester-Olmsted Planning Department – GIS Division.*
5. *Construction of a temporary turn-around and dedication of an applicable temporary easement is required for the dead end at the northerly extent of "Thaddeus Road SW".*
6. *The island located on Wickow Lane SW shall be provided 20 feet of driving surface on both sides of the island. No parking shall be allowed along the frontages of Lots 4-10, Block 3 and Lots 3 & 4, Block 4.*
7. *As indicated on the GDP, the proposed trail system through Outlots A & B, shall be privately constructed and maintained.*
8. *Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the grading plans shall be returned to the designers for reevaluation.*
9. *That as part of the zoning certificate for each house on Lots 9 & 10, Block 3, Lots 3 & 4, Block 4 and Lots 1 & 2 Block 5 the infiltration trench shall be shown on the site plan and the engineer hired by the developer/builder/homeowner shall submit certification that the trench is built to specifications and design accepted by the Public Works Department.*

Land Development Manual Excerpts Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
 - a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
 - b) Stormwater management facilities or other public infrastructure approved by the City.
 - c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
 - d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
 - e) On-going cemetery (burial) operations.
 - f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
 - g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will ~~not~~ result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;

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- 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
- 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
- 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
- 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
- 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
- 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
- 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
- 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
- 13) Permanent and interim erosion and sediment control plans have been approved by the City;
- 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
- 15) The proposed activity complies with the requirements of the adopted building code.

61.146 **Standards for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:

- 1) Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
- 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.

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- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

61.147 **Conditions on Approval:** In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.



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ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: August 5, 2003

TO: Jennifer Garness
Planning

RE: Barony Woods
Final Plat # 02-59

Acreage of plat.....	39.22 a
Number of dwelling units.....	30 units
Density factor.....	.0244
Dedication73 a
Fair market value of land.....	\$25,000 / acre

The landscaping and long term maintenance of Outlots C and D should be addressed in the development agreement.

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land in the amount \$18,250 (.73 a X \$25,000 / a) with payment due prior to recordation of the final plat.

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ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

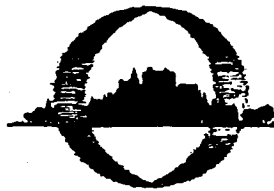
DATE: 8/12/03

The Department of Public Works has reviewed the application for FP#02-59 on the proposed Barony Woods subdivision. The following are Public Works comments on this request:

1. A Development Agreement has been executed for this Property, as well as, an Ownership & Maintenance Agreement for the proposed private Outlots.
2. Execution of a City-Owner Contract is required prior to construction of any public infrastructure to serve this Property.
3. As indicated on the GDP, the proposed trail system through Outlots 'A' & 'B', is to be privately constructed and maintained.
4. Construction of a temporary turn-around, and dedication of an applicable temporary easement is required for the deadend at the northerly extent of Thaddeus Ln SW.
5. No Parking should be allowed along Wicklow Ln for the frontages of Lots 4 – 10, Block 3, and Lot 3 & 4, Block 4.
6. Recording of Deed Restrictions for maintenance of the fen infiltration trenches is required over Lots 9 – 10, Block 4, Lots 3 & 4, Block 4, and Lots 1 – 2, Block 5

Charges/fees applicable to the development of this property are addressed in the Development Agreement and include (rates below were current through 7/31/03):

- ❖ Sanitary Sewer Availability Charge (SAC posted to J9501) @ \$2985.63 per developable acre .
- ❖ Water Availability Charge @ \$1790.25 per developable acre.
- ❖ Utility Connection Charges for J9791 as specified in the Development Agreement.
- ❖ A Transportation Improvement District (TID) charge - TBD.
- ❖ Storm Water Management, as specified in the Development Agreement.
- ❖ Traffic Signs as determined by the City of Rochester Traffic Division
- ❖ First Seal Coat @ \$0.49 per square yard of public street surface.



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

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PLAT REFERRAL RESPONSE

DATE: August 6, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: Pam Hameister, Wendy Von Wald; Richard Heft
(Bonestroo)

RE: **BARONY WOODS**
FINAL PLAT #02-59

UPON REVIEW OF THIS PLAT THE FOLLOWING FEES ARE REQUIRED TO BE PAID BEFORE THE PLAT IS RECORDED. THIS APPLIES TO ALL PLATS RECORDED ON OR AFTER JUNE 1, 2003.

E911 ADDRESSING FEE: \$600.00 (34 LOTS/ADDRESSES)

GIS IMPACT FEE: \$370.00 (34 LOTS/OUTLOTS)

Notes: 1. Additional E911 Addressing fees may be required upon Site Plan review.
2. Final Plats must be legally recorded before request for address Applications are submitted to E911 Addressing Staff-Rochester/Olmsted County Planning Dept.

A review of the final plat has turned up the following ADDRESS or ROADWAY related issues:

1. Thaddeus Lane SW needs to have roadway type changed as roadway may continue north in the future.

RECOMMENDATION: Change the roadway type from Lane to Road. (Thaddeus Road SW)

2. The use of the name Hailey is too similar to Baihly, which could cause confusion with Emergency Response.

RECOMMENDATION: Change the roadway name.

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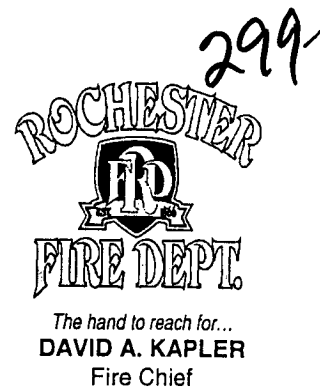
Address issue Tracker

BARONY WOODS

October 30, 2002 I looked at the GDP#192 and PP#02-59 and found that both have THADEUS LANE SW. This would be better as a road in case the roadway goes through to the north some day. Worked up response to GDP and PP then emailed Jennifer G. with response.

August 5, 2003 I looked at the Final Plat Referral and found that THADDEUS LANE SW has not been changed (to THADDEUS ROAD SW) as requested in the preliminary plat. Also the use of HAILEY in Hailey Lane SW is too similar to Baihly. Worked up response including fees and these issues. Emailed to Jennifer G. Pam H. Wendy V. and Richard Heft of Bonestroo.

August 8, 2003 I talked with Rich Hefti about HAILEY LN SW and he wanted to change it to FRANKEL LN SW. This checked out OK so told him to go ahead with the change.



DATE: August 5, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher, Rochester Fire Department

SUBJ: Final Plat #02-59 by BCD Enterprises, LLC to be know as Barony Woods.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
 2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.
 - a) Streets less than 36 feet in width shall be posted "No Parking" on one side of the street. Streets less than 28 feet in width shall be posed "No Parking" on both sides of the street.
 - b) Cul-de-sacs less than 96 feet in diameter shall be posted "No Parking". The island located on Wicklow Lane SW shall be provided 20 feet of driving surface on both sides of the island.
 3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
 4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.
- c: Donn Richardson, RPU, Water Division
Mark Baker, Rochester Public Works
BCD Enterprises, LLC
Bonestroo Rosene Anderlik & Associates

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WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Barony Woods FP #02-59

- ☐ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☒ Other or Explanation:

A calcareous fen exists downgradient from this development. The MNDNR is reviewing the stormwater management plan at this time. There will be specific stormwater plan elements that affect this property and will need to be incorporated into the grading plan.

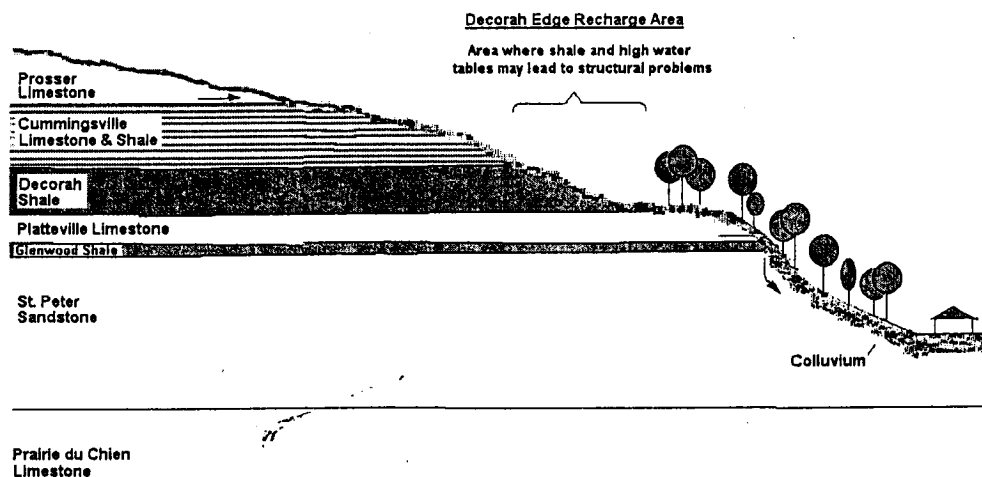
301

Date: August 4, 2003
To: Jennifer Garness, Rochester-Olmsted Planning Department
From: Terry Lee, Olmsted County Environmental Services
Re: Final Plat #02-59 BCD Enterprises, Barony Woods, Rochester Township, Section 23.

The Decorah Edge (see diagram below) is present within the area where the parcel is located but is only found in areas designated as outlots.

In this hydrogeologic setting, water discharges from the upper aquifer through soils overlying the Decorah shale before recharging the underlying aquifer. Developments in this setting have the potential to affect and be affected by these groundwater processes. Shrinking and swelling of the shale may cause structural problems and seasonal high water tables may result in wetness and flooding problems.

This finding is based on information derived from the Olmsted County Geological Atlas, construction logs from nearby wells, and bedrock mapping using two-foot contour intervals. The Decorah shale layer within this area is mapped at elevation of 1083' to 1130' (see attached map). More accurate bedrock elevations may be available from borings completed on or near the site.



An overview of the Decorah Edge recharge processes and the associated shale and flooding problems can be seen on the 15-minute video titled "Rochester's Groundwater Guardian". Copies of the video are available at the Rochester Public Library.

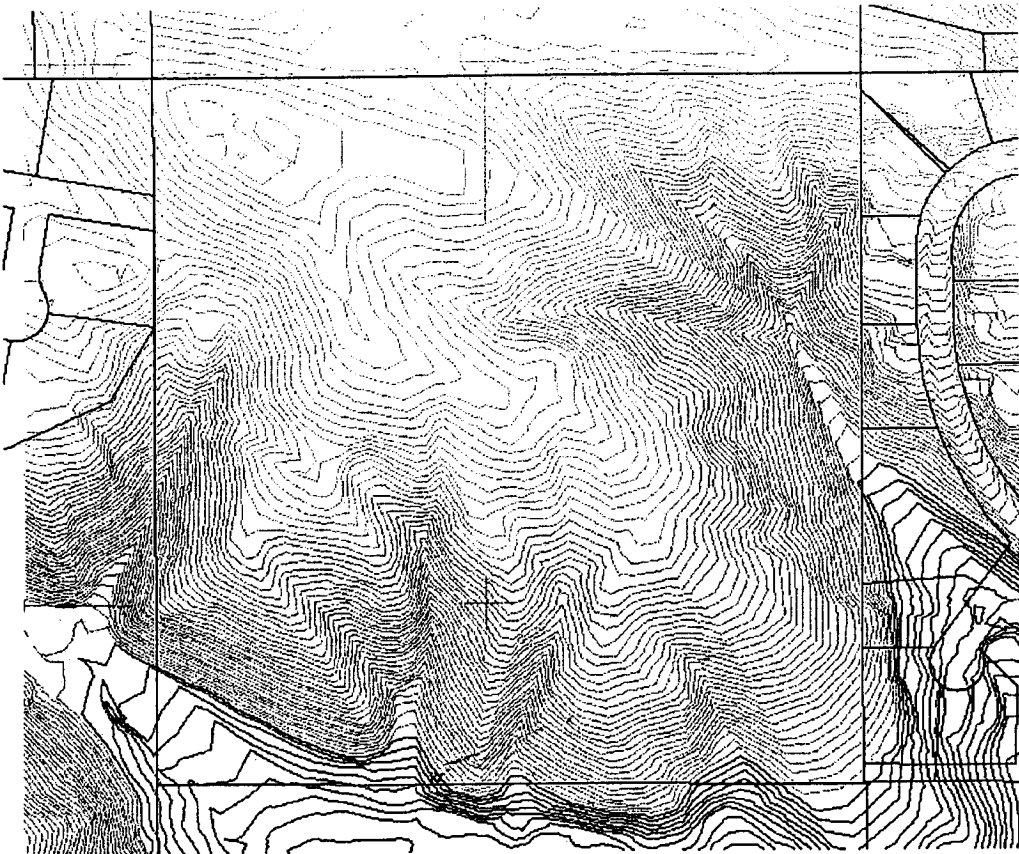
Enclosed is a Decorah Edge brochure that was prepared by our office.

For additional information contact:

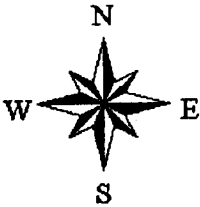
Olmsted County Environmental Services
2116 Campus Drive SE
Rochester, MN 55905
(507) 285-8339
lee.terry@co.olmsted.mn.us

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Bedrock Geology in the Vicinity of Final Plat #02-59 -- Barony Woods



- Parcel Boundaries
- Bedrock Geology
 - Prosser
 - Cummingsville
 - Decorah
 - Platteville
 - Glenwood
 - St. Peter
 - Prairie du Chien



0.1 0 0.1 0.2 Miles



Minnesota Department of Natural Resources

261 Highway 15 South, New Ulm MN 56073
(507)359-6053

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August 7, 2003

John Harford, Senior Planner
Rochester-Olmsted Planning Dept
2122 Campus Drive SE, Suite 100
Rochester MN 55904

SUBJECT: FEN MANAGEMENT PLAN -- BARONY WOODS ADDITION

We have reviewed the above-referenced fen management plan prepared by Bonestroo, Rosene, Anderlik & Associates, dated July 7, 2003 for the calcareous fen wetland located in SW1/4 of the NW1/4 of Section 23, T106N R14W (previously referred to as the Mutchler fen). We find the plan for the Barony Woods Addition to be a reasonable approach to avoid impacts to the calcareous fen.

We do not completely understand the hydrology or hydrogeology of the water supply for the fen, so we are not able to predict what the impact of the change in land use activities will be. The City needs to ensure the implementation of the fen management plan will occur as the subdivision and individual lot development progresses, regardless of who the landowners are at any given time. The City also needs to establish a monitoring program that will enable verification that storm water management measures are effective and properly functioning to prevent surface water flows from being directed onto the fen and monitor any observable changes to the fen as growth and development occurs on the adjacent properties.

In my January 10, 2003 letter, I discussed concerns about the ravine or gully that was formed downstream from the fen, and suggested we work together to evaluate possible solutions to the erosion problem. I am trusting that progress has been made in relation to this concern.

We appreciate the patience and cooperative attitude of the property owners and the City in their work with us to ensure protection of this rare type of wetland complex. We may be able to assist the City with some technical guidance on establishing a monitoring plan to enable evaluation of fen conditions over time.

If you have any questions or concerns about this letter or management of the fen, or to set up additional meetings, please feel free to contact me so that I can attempt to find appropriate and available staff that can answer your questions.

Sincerely,

DNR WATERS
David Leuthe
David Leuthe
Regional Hydrologist

C: Jennie Leete,
Steve Colvin
Sarah Tufford
Barbara Huberty
John Mutchler

John Linç Stine
Rochester Waters
Don Nelson, DNR Wildlife
Richard Hefti, Bonestroo
Cheryl Heide

DNR Information: 651-296-6157 • 1-888-646-6367 • TTY: 651-296-5484 • 1-800-657-3929

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Fen Management Plan – Barony Woods Addition



Bonestroo, Rosene, Anderlik & Associates

July 7, 2003

BRA# 1216-03-101



**Bonestroo
Rosene
Anderlik &
Associates**

Engineers & Architects

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Infiltration Trenches

Lots 9 and 10 block 3; lots 3 and 4 block 4; and lots 1 and 2 block 5 are closest to the proposed check rock check BMPs. We propose to require builders of those lots to install rain gutters and discharge roof runoff into individual infiltration trenches. These trenches would be sized for 1" runoff from the roof area. They would be located downstream of where the driveways drain in order to capture the driveway runoff. Exhibit C contains an example of a typical individual infiltration trench.

Proposed Protection Summary

To summarize,

- This plan diverts direct street runoff from the fen wetland
- This plan allows for runoff infiltration in the street cul-de-sac island, backyards, and rock check BMPs
- This plan is maintainable
- This plan doesn't cause any disruption adjacent the wetland that could have un-intentional negative impacts.

As a result, we believe the actions described within this plan will meet the goals of protecting the calcareous fen wetland located on the property immediately south of the Barony woods development.

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Harford John

From: Bob Bezek [Bob.Bezek@dnr.state.mn.us]
Sent: Wednesday, August 06, 2003 8:56 AM
To: garness.jennifer@CO.OLMSTED.MN.US
Cc: ilopez@bonestroo.com; harford.john@CO.OLMSTED.MN.US; Dave Leuthe; Jeanette Leete; Michael Liljegren
Subject: Re: referral for Final Plat 02-59 by BCD Enterprises, LLC known as Barony Woods

Jennifer,

This development has the potential to impact a calcareous fen. Our office has been working with the developer's consultant to develop a plan to avoid or minimize impacts to this unique wetland. While measures have been developed to accomplish this, some of the more critical efforts are dependent upon individual homeowners. Our concern is that conditions be placed on the plat that ensures that future homeowners will implement the protection plan.

Bob Bezek
Area Hydrologist
DNR Waters
Phone: (507) 285-7423
Fax: (507) 285-7144
E-Mail: bob.bezek@dnr.state.mn.us

Visit Our Website At: www.dnr.state.mn.us/waters/

Garness Jennifer <garness.jennifer@co.olmsted.mn.us> 08/04/03
11:07AM >>>

Referral comments are due back in our office by TUESDAY, AUGUST 12, 2003.

<<fp0259baronywoods.pdf>>

Jennifer Garness
Rochester-Olmsted Planning Department
(507) 285-8232
Garness.jennifer@co.olmsted.mn.us

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Harford John

From: Dave Leuthe [dave.leuthe@dnr.state.mn.us]
Sent: Thursday, July 31, 2003 1:04 PM
To: harford.john@co.olmsted.mn.us
Cc: rhefti@bonestroo.com; Bob Bezek; Don Nelson; Jeanette Leete; John Linc Stine; Sarah Tufford; Shannon Fisher; Steve Colvin; Tim Schlagenhaft
Subject: Fwd: Mutchler fen aka Fleet Farm Fen

John: On behalf of the DNR, I had previously approved the McGhee & Betts plan and it appears that our technical staff feel the replacement Bonestroo plan will be an acceptable fen management plan as well. There are some requirements of future property owners of some lots in this subdivision. If you are comfortable with requiring the full compliance with the Bonestroo plan, including the necessary deed restrictions for future property owners as part of your platting restrictions and conditions, I am prepared to approve this new fen management plan.

I will send out a formal letter to appropriate parties based on your response. Please let me know via email or feel free to call me if you have any concerns you would like to discuss first.

My number is 507-359-6053 and I will be in the office today but will be out all of Friday with the Commissioner of Natural Resources. This will affect my ability to generate a letter by the Friday deadline sought by Mr. Hefti in an embedded email.

Dave Leuthe
DNR Waters - New Ulm
(507) 359-6050
email: dave.leuthe@dnr.state.mn.us

Dave Leuthe
DNR Waters - New Ulm
(507) 359-6050
email: dave.leuthe@dnr.state.mn.us

Jeanette Leete 07/31/03 10:09AM >>>
Dear All,

The fen plan in review right now is in basic conformance with what we at DNR had hoped for.

The protections provided to reduce construction phase impacts are innovative and we have hopes that we will set an example for how we will deal with these settings in the future. In a nutshell: we want to keep nutrients and mineral material out of the fen, maintain infiltration on the bluff top, keep stormwater out of the fen and keep extra runoff from channelizing through the fen.

The additional language for the homeowners association that ensures the future of the protection measures will be inserted and additional language and some documentation via images of the current condition of the fen will be supplied by me as soon as I have a few moments in the office with Jeremy's pictures (I've been to the site several times, so I'm not out on a limb here, but my schedule has had me out in the field past 7pm each day this week, so the paper is piling up.

Bob/Jeff, if the city needs a real letter on real paper, can you get one off to them?

Thanks,
Jennie

"Hefti, Richard M" <rhefti@bonestroo.com> 07/30/03 08:45PM >>>
Jeanette, thank you for your response. I need your help in getting the city to approve our grading plan as they are making it contingent upon your acceptance of the fen mgmt plan. I need the grading plan approval on this Friday at the latest. Would you be comfortable in writing the city (Doug Nelson, Mgr of Engineering) to let them know our plan is in basic conformance with what you are looking for and that all we need to do is tweak some of the language to finalize it? Thank you again for all your help.

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**Bonestroo
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Associates**
Engineers & Architects

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Principals: Otto G. Bonestroo, PE. • Marvin L. Sorvala, PE. • Glenn R. Cook, PE. • Robert G. Schunicht, PE. •
Jerry A. Bourdon, PE.

Senior Consultants: Robert W. Rosene, PE. • Joseph C. Anderlik, PE. • Richard E. Turner, PE. • Susan M. Eberlin, C.P.A.

Associate Principals: Keith A. Gordon, PE. • Robert R. Pfefferle, PE. • Richard W. Foster, PE. • David O. Loskota, PE. •
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Offices: St. Paul, St. Cloud, Rochester and Willmar, MN • Milwaukee, WI • Chicago, IL

Rochester Branch Manager: Richard M. Hefti, PE.

Website: www.bonestroo.com

August 1, 2003

Brent Svenby
Rochester-Olmsted Planning Department
2122 Campus Dr SE55904

RE: Barony Woods Substantial Land Alteration

Dear Brent:

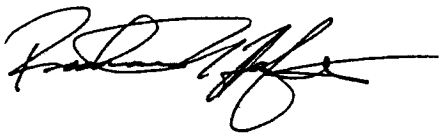
With the proposed grading for the Barony Woods development, it will be necessary to place fill material greater than 10 feet deep in certain areas. We anticipate obtaining the necessary fill materials on-site.

For your information we are enclosing a copy of the grading plan with the Substantial Land Alteration requests identified. In addition, cross-sections of these areas are included.

If you have any questions, please call me.

Sincerely,

BONESTROO, ROSENE, ANDERLIK, & ASSOCIATES, INC.

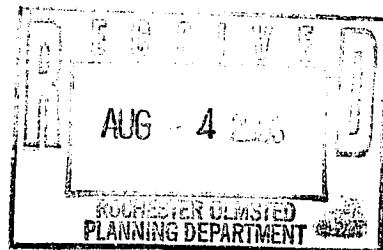


Richard Hefti, P.E.

RMH/rmh

Enclosures

cc: Jeff Drown, BCD Enterprises, LLC



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